



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR



Date Mailed: April 19, 2017  
MAHS Docket No.: 17-003453  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 11, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Specialist.

### **ISSUE**

Did the Department properly close the Petitioner Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) case because she failed to participate in the PATH program?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of FIP and FAP benefits.
2. On November 23, 2016, the Medical Review Team (MRT) denied the Petitioner a medical deferral because she failed to cooperate by submitting her activities of daily living paperwork, which resulted in a determination of insufficient evidence to proceed. Department Exhibit 1, pgs. 2-19.
3. On January 24, 2017, the Department sent the Petitioner a PATH Appointment Notice, DHS-4785, for an appointment on February 6, 2017. Department Exhibit 1, pg. 20.

4. On February 6, 2017, the Petitioner did not attend PATH.
5. On February 28, 2017, the Department sent the Petitioner a Notice of Noncompliance, DHS-2444, for an appointment of March 8, 2017, because she failed to attend her PATH appointment on February 6, 2017 resulting in no initial contact with Michigan Works by February 10, 2017. This was her 2nd non-compliance for her FIP case, resulting in a case closer for 6 months and a 1st noncompliance for her FAP case, resulting in a decrease in FAP benefits for the Petitioner for one month or until compliance because she would be a disqualified member of the FAP group, for whichever time was longer. Department Exhibit 21-22.
6. On February 28, 2017, the Department sent the Petitioner a notice of her FIP case closure due to non-participation in the PATH program effective April 1, 2017 for 6 months where she could reapply during the last month of the sanction and her FAP case would closed effective April 1, 2017, but she could reapply after April 1, 2017, but would have to pass a compliance test unless she was working 20 hours a week. Department Exhibit 23-25.
7. On March 8, 2017, the Petitioner did not attend her PATH triage meeting. The Department made a determination that she did not have good cause for not participating in PATH.
8. On March 8, 2017, the Petitioner filed a hearing request, protesting the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Petitioner was a recipient of PATH and FAP. On November 23, 2016, the Medical Review Team (MRT) denied the Petitioner a medical deferral because she failed to cooperate by submitting her activities of daily living paperwork, which resulted in a determination of insufficient evidence to proceed. Department Exhibit 1, pgs. 2-19. On January 24, 2017, the Department sent the Petitioner a PATH Appointment Notice, DHS-4785, for an appointment on February 6, 2017. Department Exhibit 1, pg. 20.

On February 6, 2017, the Petitioner did not attend PATH. On February 28, 2017, the Department sent the Petitioner a Notice of Noncompliance, DHS-2444, for an appointment of March 8, 2017, because she failed to attend her PATH appointment on February 6, 2017 resulting in no initial contact with Michigan Works by February 10, 2017. This was her 2nd non-compliance for her FIP case, resulting in a case closer for 6 months and a 1st noncompliance for her FAP case, resulting in a decrease in FAP benefits for the Petitioner for one month or until compliance because she would be a disqualified member of the FAP group, for whichever time was longer. Department Exhibit 21-22. On February 28, 2017, the Department sent the Petitioner a notice of her FIP case closure due to non-participation in the PATH program effective April 1, 2017 for 6 months where she could reapply during the last month of the sanction and her FAP case would closed effective April 1, 2017, but she could reapply after April 1, 2017, but would have to pass a compliance test unless she was working 20 hours a week. Department Exhibit 23-25.

On March 8, 2017, the Petitioner did not attend her PATH triage meeting. The Department made a determination was made that she did not have good cause for not participating in PATH. On March 8, 2017, the Petitioner filed a hearing request, protesting the Department's actions.

During the hearing, the Petitioner testified that she never received the notice to attend PATH, but she did get the notice of noncompliance sent to the same address. The Department Caseworker testified that the notice to attend PATH was not returned to the Department as undeliverable or returned to sender. The Petitioner did not attend her triage meeting on March 8, 2017. The Department found that the Petitioner did not have good cause for not participating with PATH.

Therefore, this Administrative Law Judge finds that the Petitioner did not have good cause for not participating in PATH resulting in the sanction of her FIP and FAP closure of her benefit cases. This is the Petitioner's 2nd non-compliance for her FIP case, resulting in a case closer for 6 months and a 1st noncompliance for her FAP case, resulting in a decrease in FAP benefits for the Petitioner for one month or until compliance because she would be a disqualified member of the FAP group, for whichever time was longer.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined that the Petitioner did not have good cause for not participating with PATH resulting in a FIP and FAP sanction.

Accordingly, the Department's decision is **AFFIRMED**.



CF/nr

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Carmen G. Fahie  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

Petitioner

[REDACTED]